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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,648	09/19/2003	Johann Fischer	487.1081	4624
23280 7590 09/12/2007 DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			EXAMINER BOES, TERENCE	
			ART UNIT 3682	PAPER NUMBER
			MAIL DATE 09/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,648	<b>Applicant(s)</b> FISCHER, JOHANN	
	<b>Examiner</b> Terence Boes	<b>Art Unit</b> 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### Request for Continued Examination

The request filed on 08/03/2007 for a Continued Examination (RCE) is accepted and a continued prosecution application has been established. An action on the RCE follows.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 8, 9, 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Finkle (US 4,413,808).

- a guide tube (G) at least partly surrounding at least a section of the first driving cable
- a housing (E) supporting the first driving cable in its longitudinal direction;
- a driving pinion (48) meshingly engaging with a first portion of the first driving cable;
- a freely rotatable first guide wheel (50 is capable of rotating freely) meshingly engaging with the first portion of the first driving cable,
- wherein the first portion of the first driving cable is disposed between the driving pinion and the first guide wheel (see figures 3-5, and 7).

- wherein the housing accommodates the first driving cable, and wherein the first guide wheel is secured to the housing (see figure 2)
- wherein the housing includes a bearing bushing (62) for pivotably receiving the first guide wheel
- wherein the first guide wheel includes a central circular collar (58, see figure 6) extending radially with respect to the bearing spindle, said central collar engaging the first driving cable
- wherein the housing includes an upper housing half and a lower housing half (E1, E2)
- wherein the housing is selected from the group consisting of cast parts, die cast parts, precision cast parts, forming parts, sheet-metal formed parts and construction parts (product by process claims are not limited to the manipulations of the recited steps, only the structure implied by the steps (see MPEP 2113)).
- a second guide wheel (see figure 5, 4 instances of guide wheels), the second guide wheel being adjustable with respect to the driving pinion (see figure 6, guide wheels are adjustable).
- wherein the first guide wheel is displaceable in a direction towards and away from the driving pinion, such that a distance between the first guide Wheel and the driving pinion is adjustable in response to a thickness of the first driving cable (see figure 6, springs 64 allow guide wheels to displace towards and away from driving pinion)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bratkowski et al. (US 5,612,600) in view of Laky US (4,227,678).

Bratkowski et al. disclose

Re clms 1, 13

- A guide tube (44) at least partly surrounding at least a section of the first driving cable (37)
- A housing (14,16) supporting the first driving cable in its longitudinal direction
- A driving pinion (32) meshingly engaging with a first portion of the first driving cable

Bratkowski et al. do not disclose freely rotatable guide wheels.

Laky teaches freely rotatable adjustable guide wheels (49) for the purpose of improving frictional contact with a cable (C2/L40-45).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Bratkowski et al. and provide guide wheels, as taught by Laky, for the purpose of improving frictional contact with a cable.

Re clm 2

Bratkowski discloses

- Wherein the housing accommodates the first driving cable (see fig 1)

Laky further discloses

- Wherein the first guide wheel is secured to the housing (see figure 1, (48))

Re clm 3

Bratkowski et al. disclose

- A second driving cable (38)

Re clm 4

Bratkowski et al. disclose

- wherein the driving pinion includes a first driving cable inlet side (see fig 7, at left instance of 44)
- a first driving cable outlet side (see fig 7, at left instance of 46)
- a second driving cable inlet side (see fig 7, at right instance of 44)
- a second driving cable outlet side (see fig 7, at right instance of 46)

- a first and a second guide tube portion (see fig 7, left instance of 44 and see fig 7, left instance of 46) at least partially surrounding the first driving cable (37) and disposed, respectively, at the first driving cable inlet side and the first driving cable outlet side
- wherein the device further comprises a third guide tube portion (see fig 7, right instance of 44) and a fourth guide tube portion (see fig 7, right instance of 46) at least partially surrounding the second driving cable (38) and disposed, respectively, at the second driving cable inlet side and the second driving cable outlet side.

Re clm 5

- Wherein the driving pinion includes an inlet side and an outlet side
- Wherein the first driving cable is at least partly surrounded by a first guide tube portion disposed at the inlet side and by a second guide tube portion disposed at the outlet side

Re clm 6

- Wherein at least one of the first guide tube portion and the second guide tube portion includes a conical enlargement at an end proximal to the driving pinion (see fig 7, 47)

Re clm 7

- Wherein the guide tube includes a supporting collar disposed in form-fitting engagement in a recess in the housing and supporting the guide tube in a longitudinal direction (see figs 2,7)

Re clm 11

Bratkowski et al. disclose

- Wherein the housing includes an upper housing half (14) and a lower housing half (16)

Re clm 12

wherein the housing is selected from the group consisting of cast parts, die cast parts, precision cast parts, forming parts, sheet-metal formed parts and construction parts (product by process claims are not limited to the manipulations of the recited steps, only the structure implied by the steps (see MPEP 2113)).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-9 and 11-14 have been considered but are moot in view of the new ground(s) of rejection.



### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terence Boes whose telephone number is (571) 272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB

TB  
8/28/07

  
RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER